APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,625	03/25/2004	Boris Kalinichenko	08575-103001	7474

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EXAMINER
SIKRI, ANISH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/809,625	KALINICHENKO ET AL.
	Examiner	**Art Unit**	
	Anish Sikri	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 March 2004_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-32_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _25 March 2004_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine,

manufacture, or composition of matter, or any new and useful improvement

thereof, may obtain a patent therefor, subject to the conditions and requirements

of this title.

Claims 19-23 rejected are under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 19 states "computer program product, tangibly embodied in an information

carrier, for validating wireless content, the computer program product being operable to

cause data processing apparatus..." Applicant attempts to claim non-statutory subject

matter by computer program on information carrier, as there is no structure with it.

Examiner suggests applicant include a statement referencing that the computer

program resides on a storage media as a computer readable medium.

Claims 20-23 are rejected by virtue of their dependence on **claim 19**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.

2.   Ascertaining the differences between the prior art and the claims at issue.

3.   Resolving the level of ordinary skill in the pertinent art.

4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-32 are rejected under 35 U.S.C 103(a) as being unpatentable over

Nowitz et al (US Pat 7,308,464), in view of Langer (US Pub 2004/0210828).

Consider **Claim 1**, Nowitz et al discloses a method for validating wireless content

comprising: performing a first web crawling process to retrieve a first set of content files

from a web site (Nowitz et al, Abstract), the first web crawling process including

identifying a link in a first content file of the first set (Nowitz et al, Col 6 Lines 3-15), and

following the link to a second content file of the first set (Nowitz et al, Col 6 Lines 34-67),

the second content file including content based on the first content file (Nowitz et al, Col

6 Lines 34-67); analyzing the first set of content files for errors by emulating a first

category of devices (Nowitz et al, Col 6 Lines 3-15, Col 10 Lines 18-32, Col 11 Lines

21-35) and generating a log file (Nowitz et al, Col 11, Lines 5-20, Col 12 Lines 14-28)

including a navigation history and error information (Nowitz et al, Col 6 Lines 34-67),

wherein the navigation history includes one or more paths of links traversed during the

first web crawling process (Nowitz et al, Col 6 Lines 3-15, Lines 34-67).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses the use of wireless devices (Langer, Abstract,

[0012]-[0015]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to analyze data content on how it is rendered on a

mobile device, taught by Langer, in the system of Nowitz et al for the purpose of

maintaining proper display of web contents from the internet/network on mobile/portable

wireless devices.

Consider **Claim 2**, Nowitz et al, in view of Langer discloses the method of claim

1, wherein analyzing the first set of content files for errors comprises: based on

information about characteristics of the first category of wireless devices, analyzing

content in the retrieved first set for errors that may occur in the use of the retrieved

content at a wireless device in the first category (Nowitz et al, Col 6 Lines 3-15, Col 10

Lines 18-32, Col 11 Lines 21-35), the retrieved content being configured for use on a

wireless device in the first category.

But Nowitz et al fails to disclose the use of wireless device.

Nonetheless, Langer discloses the use of wireless device (Langer, [0012]-

[0013]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to use wireless devices, taught by Langer, in the system

of Nowtiz et al for the purpose of displaying captured web content.

Consider **Claim 3**, Nowitz et al, in view of Langer discloses the method of claim

2, wherein, Langer discloses wherein the analyzing content comprises: identifying a first

list of language elements that are supported by the first category of wireless devices;

and performing a syntax check of the first set of content files using the first set of

language elements (Langer, [0015], [0017], [0031], [0035]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to make use of identifying language elements, taught by

Langer, in the system of Nowitz et al for the purpose of ensuring language elements

gets parsed and translated properly, so that it can be displayed efficiently on the device.

Consider **Claim 4**, Nowitz et al, in view of Langer discloses method of claim 3,

wherein the first set of language elements define a markup language format (Nowitz et

al, Col 4 Lines 37-40). It clearly shows a variety of markup languages can be used in

the system.

Consider **Claim 5**, Nowitz et al, in view of Langer discloses the method of claim

2, wherein analyzing content comprises: performing a semantic check of the first set of

content files based on the characteristics of the first category of devices (Nowitz et al,

Col 10 Lines 18-32, Col 11, Lines 21-35).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses the use of wireless devices (Langer, [0012]-

[0013]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use wireless devices, taught by Langer, in the system of Nowtiz et al for the purpose of displaying captured web content.

Consider **Claim 6**, Nowitz et al, in view of Langer discloses the method of claim 2, wherein analyzing content comprises: performing a usability score of the first set of content files based on the characteristics of the first category of devices (Nowitz et al, Col 13 Lines 58-67, Co 14 Lines 1-17).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses the use of wireless devices (Langer, [0012]-[0013]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use wireless devices, taught by Langer, in the system of Nowtiz et al for the purpose of displaying captured web content.

Consider **Claim 7**, Nowitz et al, in view of Langer discloses the method of claim 1, further comprising: performing a second web crawling process by traversing the path of links defined by the navigation history to retrieve a second set of content files; and analyzing the second set of content files for errors by emulating a second category of devices (Nowitz et al, Col 6 Lines 3-15, Lines 34-67).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses analyzing the second set of content files for errors by emulating a second category of wireless devices (Langer, Abstract, [0012]-[0015]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to analyze data content on how it is rendered on a mobile device, taught by Langer, in the system of Nowitz et al for the purpose of maintaining proper display of web contents from the internet/network on mobile/portable wireless devices.

Consider **Claim 8**, Nowitz et al, in view of Langer discloses the method of claim 7, wherein Langer discloses the analyzing the second set of content files for errors comprises: based on information about characteristics of the second category of wireless devices, analyzing content in the retrieved second set for errors that may occur in the use of the retrieved content at a wireless device in the second category, the retrieved content being configured for use on a wireless device in the second category (Langer, Abstract, [0012]-[0015]), [0035], [0114]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to analyze data content on how it is rendered on a mobile device, taught by Langer, in the system of Nowitz et al for the purpose of maintaining proper display of web contents from the internet/network on mobile/portable wireless devices.

Consider **Claim 9**, Nowitz et al, in view of Langer disclose the method of claim 8, wherein Langer discloses wherein analyzing content comprises: identifying a second list of language elements that are supported by the second category of wireless devices; and performing a syntax check of the second set of content files using the second set of language elements (Langer, [0015], [0017], [0031], [0035]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to make use of identifying language elements, taught by Langer, in the system of Nowitz et al for the purpose of ensuring language elements gets parsed and translated properly, so that it can be displayed efficiently on the device.

Consider **Claim 10**, Nowitz et al, in view of Langer discloses the method of claim 9, wherein the second set of language elements define a second markup language format (Nowitz et al, Col 4 Lines 37-40). It clearly shows a variety of markup languages can be used in the system.

Consider **Claim 11**, Nowitz et al, in view of Langer discloses the method of claim 8, wherein analyzing content comprises: performing a semantic check of the first set of content files based on characteristics of the second category of devices (Nowitz et al, Col 10 Lines 18-32, Col 11, Lines 21-35).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses the use of wireless devices (Langer, [0012]-[0013]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use wireless devices, taught by Langer, in the system of Nowtiz et al for the purpose of displaying captured web content.

Consider **Claim 12**, Nowitz et al, in view of Langer discloses the method of claim 8, wherein analyzing content comprises: performing a usability score of the first set of content files based on characteristics of the second category of devices (Nowitz et al, Col 13 Lines 58-67, Co 14 Lines 1-17).

But Nowitz et al fails to disclose the use of wireless devices.

Nonetheless, Langer discloses the use of wireless devices (Langer, [0012]-[0013]).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use wireless devices, taught by Langer, in the system of Nowtiz et al for the purpose of displaying captured web content.

Consider **Claim 13**, Nowitz et al, in view of Langer discloses the method of claim 1, wherein the navigation history identifies an order in which the first set of content files are retrieved (Nowitz et al, Col 9 Lines 65-67, Col 10 Lines 1-15). It shows on how the agent captures the data from the web.

Consider **Claim 14**, Nowitz et al, in view of Langer discloses the method of claim 1, further comprising: receiving a seed URL that defines a starting point for the first web

crawling process (Nowitz et al, Col 6 Lines 3-15). It shows on how the system

coordinates the crawling process.

Consider **Claim 15**, Nowitz et al, in view of Langer discloses the method of claim

1, further comprising wherein, Langer discloses providing a test configuration file

including user data; and for each retrieved content file, determining whether the content

file has input data fields, and if so, entering the user data in the input data fields and

sending the user data to the web site (Langer, [0014]-[0015], [0017]-[0019]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to incorporate by capturing data content file which is

created by the user, taught by Langer, in the system of Nowitz et al, for the purpose of

crawling and capturing dynamic data from websites/network.

Consider **Claim 16**, Nowitz et al, in view of Langer discloses the method of claim

15, wherein Langer discloses providing the test configuration file comprises: displaying

a blank form on a screen of a computing device, the blank form having one or more

input data fields; receiving input from a user entering user data into the one or more

input data fields; and generating the test configuration file based on the user input

(Langer, [0015], [0017]-[0019], [0049]-[0050]).

Therefore it would have been obvious to a person of ordinary skill in the art at the

time of the invention was made to incorporate by capturing data content file which is

created by the user, taught by Langer, in the system of Nowitz et al, for the purpose of

crawling and capturing dynamic data from websites/network.

Consider **Claim 17**, Nowitz et al, in view of Langer discloses the method of claim

16, wherein the user data includes one or more variable values that are used to create a

dynamic URL (Nowitz et al, Col 6 Lines 3-15, Col 10 Lines 18-32). Nowitz et al

discloses on the how URL's are captured and analyzed by the system.

Consider **Claim 18**, Nowitz et al, in view of Langer discloses the method of claim

1, wherein the link includes one or more variable values based on the first content file

(Nowitz et al, Col 6 Lines 3-15, Col 10 Lines 18-32). Nowitz et al discloses on the how

data is captured and analyzed by the system.

Claim 19, has similar limitations as to claim 1; therefore, it is rejected under the

same rational as to claim 1.

Claim 20, has similar limitations as to claim 2; therefore, it is rejected under the

same rational as to claim 2.

Claim 21, has similar limitations as to claim 7; therefore, it is rejected under the

same rational as to claim 7.

Claim 22, has similar limitations as to claim 8; therefore, it is rejected under the same rational as to claim 8.

Claim 23, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 15.

Claim 24, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Claim 25, has similar limitations as to claim 1; therefore, it is rejected under the same rational as to claim 1.

Claim 26, has similar limitations as to claim 2; therefore, it is rejected under the same rational as to claim 2.

Claim 27, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 1.

Claim 28, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Claim 29, has similar limitations as to claim 1; therefore, it is rejected under the same rational as to claim 1.

Claim 30, has similar limitations as to claim 2; therefore, it is rejected under the same rational as to claim 2.

Claim 31, has similar limitations as to claim 15; therefore, it is rejected under the same rational as to claim 15.

Claim 32, has similar limitations as to claim 16; therefore, it is rejected under the same rational as to claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Sikri whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri
a.s.

December 18, 2007